

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 18-10

\$6,084.00 IN UNITED STATES CURRENCY,

Defendant-in-rem.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff, United States of America, brings this complaint in accordance with Supplemental Rule G(2) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action to forfeit and condemn to the use and benefit of the United States of America property involved in violations of the Controlled Substances Act that is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

DEFENDANT *IN REM*

2. The defendant *in rem* consists of the following:
 - a. Six thousand eighty-four dollars (\$6,084.00) in United States currency, (hereafter referred to as “Defendant Currency”).
3. The Defendant Currency was seized by the Drug Enforcement Administration on August 28, 2017 in the District of New Mexico.
4. The Defendant Currency is now, and during the pendency of this action will be, in the jurisdiction of this Court.

JURISDICTION AND VENUE

5. The United States District Court for the District of New Mexico has subject matter jurisdiction under 28 U.S.C. §§ 1345, 1355(a) and 1356.

6. Venue for this civil forfeiture action is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395, as acts or omissions giving rise to the forfeiture took place in this district and the property is found in this district. Upon the filing of this complaint, the Defendant Currency will be arrested by execution of a Warrant for Arrest *In Rem* in the District of New Mexico.

FACTS

7. On August 18, 2017, Officer Perea was dispatched to 5101 Cherokee Rd NE, Albuquerque NM for a possible illegal marijuana plants growing in the backyard. When tofficer Perea arrived at the 5101 Cherokee a Ford Ranger was parked in the driveway. Officer Perea observed and identified in the backyard of 5101 Cherokee several live marijuana plants that are approximately five to six feet in height and approximately 30-40 individual marijuana plants. Officer Perea contacted Albuquerque Police Department Detective Jimmie Jones and informed him of the aforementioned facts.

8. On August 21, 2017, Detective Jones observed several live marijuana plants growing next to an unattached shed on the property of 5101 Cherokee NE, Albuquerque. Agent Croft observed that there were several marijuana clippings on a table next to the rear door. The Ford Ranger was parked in the driveway. Detective Jones requested an MVD check on the vehicle. The Ford Ranger was registered to Karla Kobos. Detective Jones contacted the New Mexico Cannabis Program to inquire if Ms. Kobos was enrolled in the program and/or if the home was a registered to grow marijuana. The home and Ms. Kobos were not enrolled or registered in the New Mexico Cannabis Program.

9. Detective Jones obtained a search warrant for 5101 Cherokee Rd. NE, Albuquerque, NM and found the following:

- a. a marijuana grow,
- b. packaging materials consistent with distribution,
- c. U.S. Currency totaling \$6,084, and
- d. a shotgun.

10. On September 1, 2017, Agent Geronimo Abrahao obtained a Federal Seizure Warrant for the currency. Agent Abrahao subsequently transferred the currency to the USMS on September 5, 2017.

11. On September 5, 2017, SA Abrahao and SA Gerald Maestas retrieved the currency from the High Value Evidence Custodian. TFO Jason Franklin deployed his trained and certified drug detection canine, Angel, on the currency. TFO Franklin stated canine Angel alerted positively for the odor of illegal controlled substance on the currency.

12. Agents Abrahao and Maestas subsequently transported the money to the financial institution where an official count resulted in a total of \$6,084 U.S. Currency.

FIRST CLAIM FOR RELIEF

13. The United States incorporates by reference the allegations in paragraphs 1 through 12 as though fully set forth.

14. Title 21, United States Code, Section 881(a)(6) subjects to forfeiture “[a]ll moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.”

15. Defendant Currency was furnished, or intended to be furnished, in exchange for a controlled substance, or constitutes proceeds traceable to such an exchange, or was used or intended to

be used to facilitate a violation of the Controlled Substances Act and is thus subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE: Plaintiff seeks arrest of Defendant Currency and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown Claimants to the Defendant Currency, costs and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

JAMES D. TIERNEY
Acting United States Attorney

A handwritten signature in black ink, appearing to read 'S.R. Kotz', is written over the printed name of Stephen R. Kotz.


STEPHEN R. KOTZ
Assistant U.S. Attorney
P.O. Box 607
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28 U.S.C. § 1746 DECLARATION

I am a Special Agent with the Drug Enforcement Administration who has read the contents of the Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury and the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters I believe them to be true.

Dated: 1-4-2018



Erin K Croft, Special Agent
Drug Enforcement Administration